United States District Court Southern District of Texas

## **ENTERED**

October 30, 2020 David J. Bradley, Clerk

## UNITED STATES DISTRICT COURT SOUTHERN DISTRICT OF TEXAS MCALLEN DIVISION

MARIA JULISSA PENA, MARIA V.
PENA, and DANIEL PENA,

Plaintiffs,

VS.

CITY OF RIO GRANDE CITY, TEXAS;
ROSA "ROSIE" SALINAS, in individual and official capacity; JOSE SOLIS, in individual and official capacity; and
HUMBERTO VELA, in individual and official capacity,

Defendants.

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CIVIL ACTION NO. 7:16-cv-00079

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CIVIL ACTION

## **ORDER**

The Court now considers the parties' "Joint Motion to Dismiss." Following the October 20, 2020, status conference, the Court issued an order instructing parties to appear for a status conference on November 19th or "file dismissal documentation prior to that date." The instant joint motion is that dismissal documentation. It explains that "claims against Defendants have been compromised and settled" and the parties "pray that all causes of action against Defendants be dismissed with prejudice as of the settlement." The Court interprets the joint motion as a voluntary dismissal pursuant to Federal Rule of Civil Procedure 41(a)(1)(A)(ii). Under that rule, Plaintiffs may dismiss an action without a Court order by filing a stipulation of dismissal signed by all appearing parties. Because the joint motion is signed by all appearing parties, 4 Plaintiffs

<sup>&</sup>lt;sup>1</sup> Dkt. No. 63.

<sup>&</sup>lt;sup>2</sup> Dkt. No. 62 at 1 (footnote omitted).

<sup>&</sup>lt;sup>3</sup> Dkt. No. 63 at 1, ¶ 1.01.

<sup>&</sup>lt;sup>4</sup> *Id*. at 2.

have effectively dismissed the case and no further action by this Court is necessary.<sup>5</sup> All claims are **DISMISSED WITH PREJUDICE**. All deadlines and conferences in this case are **CANCELLED** and any pending motion, request, or other matter is **DENIED AS MOOT**. The Clerk of the Court is instructed to close this case.

IT IS SO ORDERED.

DONE at McAllen, Texas, this 30th day of October 2020.

Micaela Alvarez United States District Judge

<sup>&</sup>lt;sup>5</sup> See Bechuck v. Home Depot U.S.A., Inc., 814 F.3d 287, 291 (5th Cir. 2016) (quoting In re Amerijet Int'l, Inc., 785 F.3d 967, 973 (5th Cir. 2015) (per curiam)).